

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action mailed February 16, 2006. At the time of the Office Action, Claims 1-34 were pending in the Application. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Double Patenting Rejection

Claims 1-34 of the present application are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,989,856. Applicants stand prepared to submit a Terminal Disclaimer in order to overcome the nonstatutory double patenting rejection. Any filing of the Terminal Disclaimer should not be construed as an agreement with or acquiescence to the propriety thereof. Applicants reserve the right to comment on the appropriateness of the Terminal Disclaimer at a future time, should Applicants deem it appropriate to do so.

Section 112 Rejection

The Examiner rejects Claims 1-34 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse this rejection for a multitude of reasons. The current Specification is replete with explanations of the importance of centralized processing capabilities and the ability to allay the burdensome mixing tasks generally relegated to the endpoints.

Some form of the word “central” (e.g. centralized) is virtually ubiquitous in Applicants’ application. Page 12 explains: “The audio speaker selection mechanism is centralized; this does not mean that the audio mixing needs to be completely centralized, even though this may represent the most common deployment due to its reduced delays as well as to serve legacy audio devices that rely on a central mixer.” Hence, the architecture is designed to off-load processing obligations from the endpoints to a central infrastructure: namely the audio mixer of FIGURE 1. There are probably a dozen or more such passages in the Specification, all of which highlight this centralized processing capability. The Examiner is encouraged to re-read the Specification to reinforce these points.

It is critical to note that this excerpt from Applicants' Specification should not be construed in any way to limit the broad scope of the pending subject matter. Applicants have only provided some example language to address the Examiner's §112 rejection.

Section 103 Rejection

The Examiner rejects Claims 1-8, 11-18, 19-26, and 27-34 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,128,649 issued to Smith et al. (hereinafter "*Smith*") in view of U.S. Publication No. 2004/0008635A1 issued to Nelson (hereinafter "*Nelson*"). The Examiner rejects Claim 9 under 35 U.S.C. §103(a) as being unpatentable over *Smith* in view of *Nelson* as applied to Claim 1, and further in view of U.S. Patent No. 6,300,973 issued to Feder (hereinafter "*Feder*"). The Examiner rejects Claim 10 under 35 U.S.C. §103(a) as being unpatentable over *Smith* in view of *Nelson* as applied to Claim 1, and further in view of U.S. Patent No. 6,590,604 issued to Tucker (hereinafter "*Tucker*"). These rejections are respectfully traversed for the following reasons.

Applicants are disappointed to see the Smith patent once again, as Applicants have distinguished this reference countless times in this prosecution history. In the most recent analysis, Applicants submitted an Appeal Brief that detailed even more reasons why *Smith* is simply not germane to the allowability of the pending subject matter. Applicants will not further enumerate all of the numerous reasons why *Smith* is not pertinent to the pending subject matter. As demonstrated by the recent filing of Applicants' Appeal Brief, Applicants are certainly amenable to appealing this case once again, should the Examiner continue to rely on this flawed reference.

Turning to the latest reference being proffered by the Examiner, *Nelson* appears to be analogous art. However, *Nelson* does not account for all of the missing limitations of *Smith*. Concisely stated, if the Examiner would like to continue using bits and pieces of references for purposes of gluing together tenuous §103 rejections, then he must find a better base reference. *Smith* is simply ill equipped to fulfill this role.

Accordingly, all of the pending claims are allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

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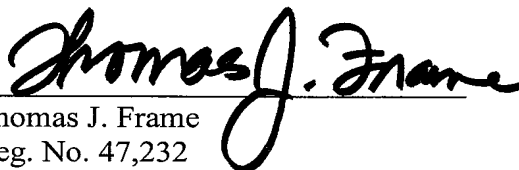
CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants believe no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,
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